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UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA

MYRNA I. JOHNSON,

Plaintiff,

v.

FRED MEYER STORES, INC., a Delaware
corporation; and JAIME SAN MIGUEL,

Defendants.

Case No. 1J-04-008-CV (RRB)

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**DEFENDANTS' OBJECTIONS TO
PLAINTIFF'S TRIAL EXHIBITS**

The pretrial order dated April 5, 2007 (docket #85) required plaintiff's counsel to schedule a meeting with defense counsel and the deputy clerk prior to September 12, 2007, to review trial exhibits in accordance with LR 39.3. This did not occur.

The Pretrial Order required each party to "serve and file an exhibit list, in the form of a pleading, identifying by number" plaintiff's exhibits and to do so "on or before September 17, 2007." The parties have had this Pretrial Order for over four months and there is no excuse for belated identification of exhibits on behalf of plaintiff, causing further

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disruption to defendant's preparation by having to focus on new and substantial exhibits, revised numbers 54 through 58 for plaintiff.

Neither in plaintiff's original exhibit list (docket #101) dated September 17, 2007, nor in plaintiff's amended exhibit list (docket #110) did she provide the documents she listed as the plaintiff's exhibit 54 in the initial submission or exhibit 58 in the amended submission. These proposed exhibits are described in both submissions as "demonstrative exhibits". Defendants are entitled to see what "demonstrative exhibits" plaintiff intends to use and they should have been submitted no later than September 17, 2007. Defendants object to any demonstrative exhibits being used at trial for failure to timely comply with the Pretrial Order.

In addition to the above objections for untimeliness and otherwise as set forth, defendants have the following specific objections to the merits of the five new exhibits.

Exhibit No.	Reason
54	FRE 402, 403, 802, 805
55	FRE 402, 403, 802, 805, 901
56	FRE 402, 403, 802, 805, 901
57	FRE 402, 403, 802, 805, 901
58	Not produced. See above – untimely also

RESPECTFULLY SUBMITTED this 28th day of September, 2007.

MILLER NASH LLP

s/ James R. Dickens

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Certificate of Service

I hereby certify that on September 28, 2007,
a copy of the foregoing was served
electronically on:

Mark Choate
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s/ James R. Dickens